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EXAMINER

TIV, BACKHEAN

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/700,914	HRASTAR, SCOTT E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	BACKHEAN TIV	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15-36 and 38 is/are pending in the application.
- 4a) Of the above claim(s) 13, 14 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-36 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

***Detailed Action***

Claims 1-12,15-36,38 are pending. Claims 13,14,37 have been cancelled. This is a response to the Amendment/Remarks filed on 6/3/08.

***Information Disclosure Statement***

The Office has considered the most relevant cite art of IDS, 3/4/04.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12,15-35,38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,766,165 issued to Sharma et al.(Sharma) in view of US Patent 6,920,494 issued to Heitman et al(Heitman) in further view of US Patent 7,158,484 issued to Ahmed et al.(Ahmed) in further view of US Publication 2005/0015623 issued to Williams et al.(Williams) in further view of US Patent 5,636,344 issued to Lewis.

As per claim 1, Sharma teaches a method for mapping the topology of a wireless network(Fig.1), the method comprising the steps of:

(b) identifying a relationship (1) between at least one of the wireless access points and at least one of the wireless network nodes(Fig.1-5, col.4, lines 45-55 ) or (2) between any two wireless network nodes based on the received scan data, a characteristic of at least one of the wireless access points, a characteristic of at least one of the wireless network nodes or combinations thereof(Fig.1-5, col.4, lines 45-55);

and

(c) storing the identified relationship, access point characteristic, node characteristic or combinations thereof in a system data store as topology data(col.15, lines 58- col.6, line39).

Sharma however does not explicitly teach receiving scan data comprising information collected from frames transmitted on the wireless network, wherein the received scan data is received from a wireless sensor configured to monitor the wireless network and collect information from frames transmitted on the wireless network, wherein the scan data is associated with monitoring of one or more network or nodes or combination thereof and wherein the relationship is identified responsive to an analysis of the scan data and responsive to a relationship between the wireless sensor and a server; formatting the stored topology data based upon a desired output format; repeating steps (a) through (d) a plurality of times, wherein the system data store stores topology data for each repetition, and wherein potential security and policy violations are detected responsive to historical topology data.

Heitman teaches receiving scan data associated with monitoring of one or more network or nodes or combination thereof(Abstract); formatting the stored topology data based upon a desired output format(Figs.28-34, col.3, lines 33-45).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma to include receiving

scan data associated with monitoring of one or more network or nodes or combination thereof as taught by Heitman in order to resolve network topology(Heitman, col.2, lines 60-67); the step of repeating steps (a) through (d) a plurality of times, wherein the system data store stores topology data for each repetition, (Heitman, Figs.28-34).

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Sharma and Heitman in order to provide a system to manage policies for networks(Hietman, col.2, lines 3-30).

Sharma in view of Heitman does not explicitly teach scan data comprising information collected from frames transmitted on the wireless network, wherein the received scan data is received from a wireless sensor configured to monitor the wireless network and collect information from frames transmitted on the wireless network and wherein the relationship is identified responsive to an analysis of the scan data and responsive to a relationship between the wireless sensor and a server.

Ahmed teaches scan data comprising information collected from frames transmitted on the wireless network, wherein the received scan data is received from a wireless sensor configured to monitor the wireless network and collect information from frames transmitted on the wireless network and wherein the relationship is identified responsive to an analysis of the scan data and responsive to a relationship between the wireless sensor and a server(Figs.1-11, col.2, lines 35-67,col.8, lines 10-63).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma in view of Heitman to include scan data comprising information collected from frames transmitted on the wireless network, wherein the received scan data is received from a wireless sensor configured to monitor the wireless network and collect information from frames transmitted on the wireless network and wherein the relationship is identified responsive to an analysis of the scan data and responsive to a relationship between the wireless sensor and a server as taught by Ahmed in order to topology sensing in wireless communications networks with mobile nodes(Ahmed, col.1, lines 5-10).

One ordinary skill in the art would have been motivated to combine the teachings of Sharma, Heitman, and Ahmed in order to topology sensing in wireless communications networks with mobile nodes(Ahmed, col.1, lines 5-10).

Sharma, in view of Heitman in view of Ahmed does not explicitly teach wherein potential security and policy violations are detected responsive to historical topology data.

Williams teaches gathering of data by servers and determining whether the networks comply with established security and regulation policies(para.0062).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma in view of Heitman in further view of Ahmed to include detecting whether there are potential security and policy violations as taught by Williams in order to improve security of a network(Williams, para.0052)..

One ordinary skill in the art would have been motivated to combine the teachings of Sharma, Heitman, Ahmed, and Williams in order to improve security of a network(Williams, para.0052).

Sharma in view of Heitman in further view of Ahmed in further view of Williams does not explicitly teach historical topology data.

Lewis explicitly teaches historical topology data(col.9, lines 3-23).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma in view of Heitman in further view of Ahmed in further view of Williams to include historical topology data as taught by Lewis in order to analyze faults(Lewis, col.1, lines 5-7).

One ordinary skill in the art would have been motivated to combine the teachings of Sharma, Heitman, Ahmed, Williams, and Lewis, in order to analyze faults(Lewis, col.1, lines 5-7).

As per claim 2., the method of claim 1, and further comprising the step of initiating one or more scans of wireless transmissions to generate the scan data(Heitman, col.31, lines 40-54). Motivation to combine set forth in claim 1.

As per claim 3, the method of claim 2, wherein the step of initiating one or more scans comprises initiating a plurality of scans(Heitman, col.39, lines 1-39). Motivation to combine set forth in claim 1.

As per claim 4, the method of claim 3, wherein each of the plurality of scans is initiated upon a different wireless sensor(Heitman, col.39, lines 1-39). Motivation to combine set forth in claim 1.

As per claim 5, the method of claim 4, wherein each of the plurality of scans occurs simultaneously(Heitman, col.39, lines 1-39). Motivation to combine set forth in claim 1.

As per claim 6, the method of claim 4, and further comprising the step of repeating the step of initiating the plurality scans(Heitman, col.39, lines 1-39). Motivation to combine set forth in claim 1.

As per claim 7, 9, wherein the repetition step occurs over a particular time period(Heitman, col.39, lines 1-39). Motivation to combine set forth in claim 1.

As per claim 8,10, and further comprising the step of determining the particular time period based upon configuration data, network security threat level, current network activity, historical network activity or combinations thereon(Heitman, col.38, lines64-col.39, lines 55 ). Motivation to combine set forth in claim 1.

As per claim 11, the method of claim 2, and further comprising the step of receiving a mapping request from a user or a computer and wherein the scan initiation step is responsive to the received mapping request(Sharma, col.12, lines 40-59).

As per claim 12, the method of claim 2, wherein the one or more initiated scans are initiated continuously or at periodic intervals(Heitman, col.38, lines64-col.39, lines 55 ). Motivation to combine set forth in claim 1.

As per claim 15, the method of claim 13, and further comprising the step of (e) storing the formatted topology data in a data store accessible by a server system(Sharma, col.7, lines 15-31).

As per claim 16, the method of claim 15, wherein the server system is an



HTTP server, a WAIS server, a gopher server, or an FTP server(Sharma, col.7, lines 15-31).

As per claim 17, the method of claim 13, wherein the desired output format is TIFF, GIF, JPEG, HTML, SMS, MIME, S/MIME, ZIP, SML, SGML, WAP, BMP or combinations thereof(Heitman, Figs.28-34).

As per claim 18, the method of claim 13, and further comprising the step of receiving a mapping request and wherein the formatting step is responsive to the received mapping request(Sharma, Figs.1-5, col.12, lines 40-59).

As per claim 19, the method of claim 18, wherein the mapping request is received from a user or a computer system(Sharma, Figs.1-5, col.12, lines 40-59).

As per claim 20, the method of claim 13, and further comprising detecting a mapping trigger event based upon the received scan data and wherein the formatting step is responsive to the detected trigger event (Sharma, Figs.1-5, col.12, lines 40-59, Heitman, col.2, lines 3-30). Motivation to combine set forth in claim 1.

As per claim 21, the method of claim 20, wherein the trigger event is a usage volume anomaly, a connectivity pattern anomaly, a policy violation, a security violation or combinations thereof(Sharma, Figs.1-5, col.12, lines 40-59, Heitman, col.2, lines 3-30). Motivation to combine set forth in claim 1.

As per claim 22, the method of claim 1, and further comprising the step of (d) transmitting the stored topology data to a desired output device(Heitman, Figs.28-34). Motivation to combine set forth in claim 1.

As per claim 23, the method of claim 22, and further comprising the step of

repeating steps (a) through (d) a plurality of times(Sharma, col.4, lines 15-67, Heitman, Abstract). Motivation to combine set forth in claim 1.

As per claim 24, the method of claim 22, and further comprising the steps of (e) determining a desired output format and (f) formatting the stored topology data based upon the desired output format prior to transmission(Sharma, col.4, lines 15-67, Heitman, Abstract). Motivation to combine set forth in claim 1.

As per claim 25, the method of claim 24, wherein the step of determining the desired output format comprises the step of determining the desired output format based upon configuration data, the desired output device, a mapping request or combinations thereof(Sharma, col.4, lines 15-67, Heitman, Figs.28-34, Abstract). Motivation to combine set forth in claim 1.

As per claim 26, the method of claim 22, and further comprising the step of (e) determining the desired output device(Heitman, Figs.28-34, Abstract). Motivation to combine set forth in claim 1.

As per claim 27, the method of claim 26, wherein step (e) comprises the step of determining the desired output device based upon configuration data, a mapping request or combinations thereof(Sharma, col.4, lines 15-67).

As per claim 28, the method of claim 22, wherein the desired output device is a monitor, a printer, a further processing system, a pager, a telephone, a personal data assistant (PDA), an email account or a combination thereof (Heitman, Figs.28-34, Abstract). Motivation to combine set forth in claim 1.

As per claim 29, Sharma in view of Heitman in further view of Ahmed teaches teaches the method of claim 22, wherein the desired output device is capable of rendering graphical output and further comprising the step of (e) formatting the topology data in a manner to graphically represent characteristics or relationships prior to transmission; graphically represented characteristics or relationships comprise whether a wireless access point of the one or more wireless points is authorized, unauthorized, or ignored and whether a wireless network node of the one or more wireless network nodes is authorized, unauthorized, unassociated, an adhoc station, or ignored. (Heitman, Figs.28-34, Abstract, Williams, Figs.1-5,9,18-34). Motivation to combine set forth in claim 1.

As per claim 30, the method of claim 29, wherein the desired output device is capable of rendering color output and wherein the formatting step (e) comprises the step of formatting the topology data in manner using color to represent characteristics or relationships prior to transmission(Heitman, Figs.28-34, Abstract). Motivation to combine set forth in claim 1.

As per claim 31, the method of claim 22, wherein the desired output device is capable of rendering color output and further comprising the step of (e) formatting the topology data in manner using color to represent characteristics or relationships prior to transmission(Heitman, Figs.28-34, Abstract). Motivation to combine set forth in claim 1.

As per claim 32, the method of claim 1, and further comprising the step of identifying a relationship between a plurality of the wireless nodes based on the

received scan data in which no wireless access point is involved(Sharma, col.12, lines 40-58).

As per claim 33, Sharma teaches a system for mapping the topology of a wireless network(Fig.1), the system comprising:

(a) storage means for storing topology data comprising access point characteristic data, wireless network node characteristic data, access point to node relationship data, node to node relationship data or combinations thereof(Fig.1-5, col.4, lines 45-55, col.15, lines 58- col.6, line 39);

(d) analysis means for generating topology data by identifying from data received by the receiving means a characteristic of a wireless network node, a characteristic of an access point, an access point to node relationship, a node to node relationship, or combinations thereof and for storing the generated topology data in the storage means(Figs.1-5, col.15, lines 58- col.6, line 39); wired connection(Fig.1-5).

Sharma however does not explicitly teach a characteristic of the wireless sensor, a point to sensor relationship, a node to sensor relationship; (c) receiving means for receiving data from the wireless sensor over one of a wireless or wired connection; (b) a wireless sensor for scanning transmissions within a network and generating scan data therefrom, wherein the scan data comprises information collected from frames transmitted on the wireless network; (e)output means for formatting topology data generated by the analysis means based upon a desired output format and for transmitting the formatted topology data to a desired output

device; and (f) topology comparison means for comparing topology data to prior topology data to evaluate potential security and policy violations of the wireless network.

Heitman teaches (e)output means for formatting topology data generated by the analysis means based upon a desired output format and for transmitting the formatted topology data to a desired output device(Figs.28-34, col.3,lines 33-45).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma to (b)monitoring means for scanning transmissions within a network and generating scan data therefrom; (e)output means for formatting topology data generated by the analysis means based upon a desired output format and for transmitting the formatted topology data to a desired output device as taught by Heitman in order to resolve network topology(Heitman, col.2, lines 60-67).

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Sharma and Heitman in order to provide a system to manage policies for networks(Hietman, col.2, lines 3-30).

Sharma in view of Heitman does not explicitly teach a characteristic of the wireless sensor, a point to sensor relationship, a node to sensor relationship; c) receiving means for receiving data from the wireless sensor over one of a wireless; (b) a wireless sensor for scanning transmissions within a network and generating scan data therefrom, wherein the scan data comprises information collected from frames

transmitted on the wireless network.

Ahmed teaches a characteristic of the wireless sensor, a point to sensor relationship, a node to sensor relationship(Fig.1-11); c) receiving means for receiving data from the wireless sensor over one of a wireless(Fig.1-11, col.2, lines 35-67,col.8, lines 10-63); (b) a wireless sensor for scanning transmissions within a network and generating scan data therefrom, wherein the scan data comprises information collected from frames transmitted on the wireless network(Fig.1-11, col.2, lines 35-67,col.8, lines 10-63).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma in view of Heitman to include a characteristic of the wireless sensor, a point to sensor relationship, a node to sensor relationship; c) receiving means for receiving data from the wireless sensor over one of a wireless; (b) a wireless sensor for scanning transmissions within a network and generating scan data therefrom, wherein the scan data comprises information collected from frames transmitted on the wireless network as taught by Ahmed in order to topology sensing in wireless communications networks with mobile nodes(Ahmed, col.1, lines 5-10).

One ordinary skill in the art would have been motivated to combine the teachings of Sharma, Heitman, and Ahmed in order to topology sensing in wireless communications networks with mobile nodes(Ahmed, col.1, lines 5-10).

Sharma in view of Heitman in further view of Ahmed does not explicitly teach f) topology comparison means for comparing historical topology data to evaluate potential

security and policy violations of the wireless network.

Williams teaches gathering of data by servers and determining whether the networks comply with established security and regulation policies(para.0062).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma in view of Heitman in further view of Ahmed to include detecting whether there are potential security and policy violations as taught by Williams in order to improve security of a network(Williams, para.0052).

One ordinary skill in the art would have been motivated to combine the teachings of Sharma, Heitman, Ahmed, and Williams in order to improve security of a network(Williams, para.0052).

Sharma in view of Heitman in further view of Ahmed in further view of Williams does not explicitly teach historical topology data.

Lewis explicitly teaches historical topology data(col.9, lines 3-23).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma in view of Heitman in further view of Ahmed in further view of Williams to include historical topology data as taught by Lewis in order to analyze faults(Lewis, col.1, lines 5-7).

One ordinary skill in the art would have been motivated to combine the teachings of Sharma, Heitman, Ahmed, Williams, and Lewis, in order to analyze faults(Lewis, col.1, lines 5-7).

As per claim 34, the system of claim 33, further comprising intrusion detection means for detecting a usage volume anomaly, a connectivity pattern anomaly, a policy

violation, a security violation or combinations thereof, and wherein the output means is responsive to a mapping request from a trigger event from the intrusion detection means(Sharma, Figs.1-5, col.12, lines 40-59, Heitman, col.2, lines 3-30, Williams, para.0062, Figs.1-5,9,18-34). Motivation to combine set forth in claim 33.

As per claim 35, the system of claim 33, further comprising intrusion detection means for detecting a usage volume anomaly, a connectivity pattern anomaly, a policy violation, a security violation or combinations thereof, and wherein the monitoring means is responsive to a mapping request from a trigger event from the intrusion detection means(Sharma, Figs.1-5, col.12, lines 40-59, Heitman, col.2, lines 3-30, Williams, para.0062, Figs.1-5,9,18-34). Motivation to combine set forth in claim 33.

As per claim 38, Sharma teaches one or more computer-readable media storing instructions that upon execution by a system processor cause the system processor to map the topology of a wireless network by performing at least the steps comprising(Abstract) of: (c) identifying a relationship (i) between at least one of the wireless access points and at least one of the wireless network nodes (Figs.1-5, col.4, lines 45-55) or (ii) between any two wireless network nodes based on the received scan data, a characteristic of at least one of the wireless access points, a characteristic of at least one of the wireless network nodes or combinations thereof(Figs.1-5, col.4, lines 45-55), (d) storing the identified relationship, access point characteristic, node characteristic or combinations thereof as topology data(col.15, line 58-col.6, line 39).

Sharma does not explicitly teach (a) initiating a scan of one or more wireless access points, one or more wireless network nodes or combinations thereof, wherein



the scan is performed by a wireless sensor configured to monitor the wireless network and collect information from frames transmitted on the wireless network; (b) receiving scan data comprising information collected from frames transmitted on the wireless network, wherein the scan data is associated with monitoring of one or more wireless access points, one or more wireless network nodes or combinations thereof; (e) formatting topology data generated based upon a desired output format; and (f) outputting the formatted topology data to a desired output device; and (g) comparing the topology data to prior topology data to evaluate potential security and policy violations of the wireless network, wherein the comparing comprises one of a rules-based comparison, a pattern matching-based comparison, and a combination thereof.

Heitman teaches (b) receiving scan data wherein the scan data is associated with monitoring of one or more wireless access points, one or more wireless network nodes or combinations thereof (Abstract); (e) formatting topology data generated based upon a desired output format (Figs. 28-34, col. 3, lines 33-45); and (f) outputting the formatted topology data to a desired output device (Figs. 28-34, col. 3, lines 33-45).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma to include (b) receiving scan data wherein the scan data is associated with monitoring of one or more wireless access points, one or more wireless network nodes or combinations thereof; (e) formatting topology data generated based upon a desired output format; and (f) outputting the formatted topology data to a desired output device as taught by Heitman in order to resolve network topology (Heitman, col. 2, lines 60-67).

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Sharma and Heitman in order to provide a system to manage policies for networks(Hietman, col.2, lines 3-30).

Sharma in view of Heitman does not explicitly teach wherein the scan is performed by a wireless sensor configured to monitor the wireless network and collect information from frames transmitted on the wireless network; wherein the relationship is identified responsive to an analysis of the scan data and responsive to a relationship between the wireless sensor and a server.

Ahmed teaches wherein the scan is performed by a wireless sensor configured to monitor the wireless network and collect information from frames transmitted on the wireless network; wherein the relationship is identified responsive to an analysis of the scan data and responsive to a relationship between the wireless sensor and a server (Figs.1-11, col.2, lines 35-67,col.8, lines 10-63).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma in view of Heitman to include wherein the scan is performed by a wireless sensor configured to monitor the wireless network and collect information from frames transmitted on the wireless network; wherein the relationship is identified responsive to an analysis of the scan data and responsive to a relationship between the wireless sensor and a server as taught by Ahmed in order to topology sensing in wireless communications networks with mobile nodes(Ahmed, col.1, lines 5-10).

One ordinary skill in the art would have been motivated to combine the teachings of Sharma, Heitman, and Ahmed in order to topology sensing in wireless communications networks with mobile nodes(Ahmed, col.1, lines 5-10).

Sharma in view of Heitman in further view of Ahmed does not explicitly teach (g) comparing the topology data to historical topology data to evaluate potential security and policy violations of the wireless network,

Williams teaches gathering of data by servers and determining whether the networks comply with established security and regulation policies with define set for rules and pattern matching(para.0062,0065,0132).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma in view of Heitman in further view of Ahmed to include detecting whether there are potential security and policy violations as taught by Williams in order to improve security of a network(Williams, para.0052)..

One ordinary skill in the art would have been motivated to combine the teachings of Sharma, Heitman, Ahmed, and Williams in order to improve security of a network(Williams, para.0052).

Sharma in view of Heitman in further view of Ahmed in further view of Williams does not explicitly teach historical topology data.

Lewis explicitly teaches historical topology data(col.9, lines 3-23).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma in view of Heitman in further view of

Ahmed in further view of Williams to include historical topology data as taught by Lewis in order to analyze faults(Lewis, col.1, lines 5-7).

One ordinary skill in the art would have been motivated to combine the teachings of Sharma, Heitman, Ahmed, Williams, and Lewis, in order to analyze faults(Lewis, col.1, lines 5-7).

Claims 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,766,165 issued to Sharma et al.(Sharma) in view of US Patent 6,920,494 issued to Heitman et al(Heitman) in further view of US Patent 7,158,484 issued to Ahmed et al.(Ahmed) in further view of US Publication 2005/0015623 issued to Williams et al.(Williams).

As per claim 36, Sharma teaches a system for mapping the topology of a wireless network(col.12, lines 53-58), the system comprising:

(a) a system data store (SDS) capable of storing topology data comprising access point characteristic data, wireless network node characteristic data, access point to node relationship data, node to node relationship data or combinations thereof(Fig.1-5, col.4, lines 45-55, col.15, lines 58- col.6, line 39); and

(b) a system processor comprising one or more processing elements, wherein the system processor is in communication with the SDS and wherein the one or more processing elements are programmed or adapted(Fig.1-5) at least to:

(2)receive data and wherein the scan data is associated with monitoring of one or more wireless access points, one or more wireless network nodes or

combinations thereof(col.4,lines 15-33);

(3) identify a relationship (i) between at least one of the wireless access points and at least one of the wireless network nodes or (ii) between any two wireless network nodes based on the received scan data, a characteristic of at least one of the wireless access points, a characteristic of at least one of the wireless network nodes or combinations thereof(Fig.1-5, col.4, lines 45-55);

(4) store the identified relationship, access point characteristic, node characteristic or combinations thereof in the SDS as topology data(Fig.1-5, col.4, lines 45-55, col.12, lines 53-58).

Sharma however does not explicitly (1)initiate at least one scan of one or more access points, one or more network nodes or combinations thereof, wherein the at least on scan is performed by a wireless sensor configured to monitor the wireless network and collect information from frames transmitted on the wireless network and (5)format topology data generated based upon a desired output format and (6) output the formatted topology data to a desired output device; wherein the relationship is identified responsive to an analysis of the scan data and responsive to a relationship between the wireless and a server; (c) a wireless receiver that monitors wireless transmissions, wherein the wireless receiver is in communication with the system processor and wherein the system process's programming or adaptation to initiate at least on scan includes at least programming or adaptation to initiate the scan using the wireless receiver and wherein it's programming or adaptation to receive scan data includes at least programming or adaptation to receive scan data from the wireless

receiver or from an interface therewith; (d) an intrusion detection engine configured to detect a usage volume, anomaly, a connectivity pattern anomaly, a policy violation, a security violation or combinations thereof; wherein an iteration of steps (1) through (6) is initiated responsive to the intrusion detection engine detecting a violation.

Heitman teaches (1) initiate at least one scan of one or more access points, one or more network nodes or combinations thereof (Abstract); and (5) format topology data generated based upon a desired output format and (6) output the formatted topology data to a desired output device (Figs. 28-34, col. 3, lines 33-45).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma to (1) initiate at least one scan of one or more access points, one or more network nodes or combinations thereof; and (5) format topology data generated based upon a desired output format and (6) output the formatted topology data to a desired output device as taught by Heitman in order to resolve network topology (Heitman, col. 2, lines 60-67).

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Sharma and Heitman in order to provide a system to manage policies for networks (Heitman, col. 2, lines 3-30).

Sharma in view of Heitman does not explicitly teach wherein the at least one scan is performed by a wireless sensor configured to monitor the wireless network and collect information from frames transmitted on the wireless network; wherein the relationship is

identified responsive to an analysis of the scan data and responsive to a relationship between the wireless and a server; (c) a wireless receiver that monitors wireless transmissions, wherein the wireless receiver is in communication with the system processor and wherein the system process's programming or adaptation to initiate at least on scan includes at least programming or adaptation to initiate the scan using the wireless receiver and wherein it's programming or adaptation to receive scan data includes at least programming or adaptation to receive scan data from the wireless receiver or from an interface therewith; (d) an intrusion detection engine configured to detect a usage volume, anomaly, a connectivity pattern anomaly, a policy violation, a security violation or combinations thereof; wherein an iteration of steps (1) through (6) is initiated responsive to the intrusion detection engine detecting a violation.

Ahmed teaches (c) a wireless receiver that monitors wireless transmissions, wherein the wireless receiver is in communication with the system processor and wherein the system process's programming or adaptation to initiate at least on scan includes at least programming or adaptation to initiate the scan using the wireless receiver and wherein it's programming or adaptation to receive scan data includes at least programming or adaptation to receive scan data from the wireless receiver or from an interface therewith(Abtract); wherein the at least on scan is performed by a wireless sensor configured to monitor the wireless network and collect information from frames transmitted on the wireless network; wherein the relationship is identified responsive to an analysis of the scan data and responsive to a relationship between the wireless and a server(Figs.1-11, col.2, lines 35-67,col.8, lines 10-63).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma in view of Heitman to include wherein the at least on scan is performed by a wireless sensor configured to monitor the wireless network and collect information from frames transmitted on the wireless network; wherein the relationship is identified responsive to an analysis of the scan data and responsive to a relationship between the wireless and a server as taught by Ahmed in order to topology sensing in wireless communications networks with mobile nodes(Ahmed, col.1, lines 5-10).

One ordinary skill in the art would have been motivated to combine the teachings of Sharma, Heitman, and Ahmed in order to topology sensing in wireless communications networks with mobile nodes(Ahmed, col.1, lines 5-10).

Sharma in view of Heitman in further view of Ahmed does not explicitly teach (d) an intrusion detection engine configured to detect a usage volume, anomaly, a connectivity pattern anomaly, a policy violation, a security violation or combinations thereof; wherein an iteration of steps (1) through (6) is initiated responsive to the intrusion detection engine detecting a violation.

Williams teaches gathering of data by servers and determining whether the networks comply with established security and regulation policies with define set for rules and pattern matching(para.0062,0065,0132).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sharma in view of Heitman in further view of



Ahmed to include detecting whether there are potential security and policy violations as taught by Williams in order to improve security of a network(Williams, para.0052)..

One ordinary skill in the art would have been motivated to combine the teachings of Sharma, Heitman, Ahmed, and Williams in order to improve security of a network(Williams, para.0052).

### ***Response to Arguments***

The Office withdraws all previous rejection due to applicant's amendments.

Applicant's arguments filed 6/3/08 have been fully considered but they are not persuasive.

The affidavit filed on 6/3/08 under 37 CFR 1.131 has been considered but is ineffective to overcome the US Publication 2005/0015623 issued to Williams et al. reference.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Williams reference.

MPEP 715.07 states,

The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts" and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See

also In re Harry, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit "asserts that facts exist but does not tell what they are or when they occurred.").

MPEP 2138.05, requires for an actual reduction to practice, the invention must have been sufficiently tested to demonstrate that it will work for its intended purpose.

The applicant has submitted Exhibit C as evidence of the invention having been sufficiently tested. The Office finds that Exhibit C **has not** provided evidence that the invention have been sufficiently tested to demonstrate that it will work for its intended purpose. For example, page 4, "9:23 AM", it states that, "Now sure what is going on there", page 5, "10:30AM", "Display in Browser feature doesn't seem to work", "10:31AM", "When you print the reports, the icons do not display, so determining their authorization is impossible"

Furthermore, Exhibit C may have information related to violation policies but there is no evidence this is linked to topology.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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